

REMARKS

Applicant submits the present paper in response to the Office Action mailed July 31, 2002. Applicant has amended claims 1, 3, 4, 6, 7, 9-13, 17, 22, 24, 25, and cancelled claims 5, 8, 14-16, 18-21, 23 and 26-38. Applicant has also added new claims 39-41. Claims 1-4, 6-7, 9-13, 17, 22, 24-25 and 39-41 are now pending. No new matter has been added.

In reviewing the Office Action, Applicant notes that an initialed form PTO-1449 corresponding to Applicant's Information Disclosure Statement mailed January 5, 2001, was not included in the Office Action (a copy of this statement is included with this response to aid the Examiner in identifying the proper paper). Applicant requests that the Examiner provide an initialed copy of the submitted PTO-1449 form in the next communication to Applicant to confirm that the Examiner has considered the reference(s) listed thereon.

In the Office Action (paragraph 5), the Examiner has rejected claim 21 under 35 U.S.C. § 112, first paragraph, stating that "the specification, while being enabling for Setup program to receive at least one of the license files from the automated license Daemon [sic] program, does not reasonably provide enablement for the Setup program to receive error messages from the automated license Daemon program." Applicant has canceled claim 21, thus rendering the Examiner's rejection moot, and respectfully requests that this rejection be withdrawn.

In the Office Action (paragraph 6), the Examiner has rejected claim 22 under 35 U.S.C. § 112, first paragraph, stating that "base[d] on Fig. 6, if a LM error [is] detected during the installation process, then no license will be installed in the client machine by the Setup program." Applicant has amended claim 22 to recite that the setup program is further configured to install the license file on the client computing system when the setup program receives the license file. Applicant believes this amendment addresses the Examiner's issue with this claim, and respectfully requests that this rejection be withdrawn.

In the Office Action (paragraphs 7-8), the Examiner has rejected claims 1-37 under 35

U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner has stated that "it is not understood what is meant by 'user/client'." Applicant has amended (or cancelled) all claims employing the "user/client" term to now recite "client," which more clearly represents the relationship between the computing systems involved as described in the specification. The Examiner has also noted that claim 5 recites dependency to itself. Applicant has cancelled claim 5, and thus the rejection is moot as to this claim. Applicant believes these amendments and cancellations address the Examiner's concerns, and respectfully requests that this rejection be withdrawn.

In the Office Action (paragraphs 9-10), the Examiner has rejected claims 1-38 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,790,664 to Coley et al. ("Coley") in view of U.S. Patent No. 6,006,035 to Nababi ("Nahabi"). As Applicant has cancelled claims 5, 8, 14-16, 18-21 and 26-38, the rejection is moot as to these claims. Applicant respectfully requests that the Examiner reconsider the rejection of the remaining claims based upon the following.

Coley describes a system for "automatically determining whether a software application is licensed." (Coley, col. 4, lines 3-4.) The system includes a "client module" that is attached to a software application, and allows the application to "automatically report[] to a computer maintained by a software provider." (*Id.*, col. 4, lines 4-13.) This reporting is done using a "public network" (such as the Internet), and is described as sending a "license validity inquiry message" to a license server containing an "agent module," which queries a "database" to determine whether a license record exists that corresponds to the software application. (*Id.*, col. 8, lines 1-14.) A response message is sent to the client module. (*Id.*, col. 8, lines 15-17.) If the license record exists, the response message indicates the record's existence and database location, otherwise an indication of no record is included in the message. (*Id.*, col. 8, lines 17-25.) In the case of a valid license record, the response message is described as including "a license ID field comprising a pointer to the location of the license record in the database." (*Id.*, col. 9, lines 15-17.) The system is described as using the Transfer Control Protocol (TCP) as the

network communication mechanism (although it is mentioned that UDP could also be used). (*Id.*, col. 21, lines 45-67.)

Nabahi describes a system for "installing an application software package onto a computer using a rule-based installation engine." (Nabahi, col. 4, line 67 to col. 5, line 1.) The system allows custom installation parameters to be used in the installation process through the use of a "simplified script language." (*Id.*, col. 5, lines 2-3.) The application software package is installed using a "setup" program that implements the rule-based installation. (*Id.*, col. 1, line 58 to col. 2, line 15.)

Absent from both Coley and Nabahi, however, is any description of a selecting of a configuration of retrieved license information, or confirming the configuration of the retrieved license information. For example, as described in the specification of the present application, an exemplary method according to the present invention provides for "license information" to be returned to the setup program (which may include such items as host IDs, port numbers, host names, products licensed, licenses used, etc.), from which a selection of a configuration of the application to be installed may be made. (*See, e.g.*, Specification, pg. 9, line 26 to pg. 10, line 7; *id.*, pg. 5, lines 21-37.) Confirmation of the selection of the configuration may then be provided. (*See, e.g.*, Specification, pg. 10, lines 7-11.)

Claim 1 of the present application recites:

retrieving license information of the client computing system from a license database located on a remote server;
receiving a selection of a configuration of the retrieved license information;
confirming the configuration of the retrieved license information on the client computing system; and
receiving one of a license file relating to the confirmed configuration of the retrieved license information and an error message.

As discussed above, neither Coley nor Nabahi (either alone or in combination) teach or suggest a method that includes receiving a selection of a configuration of the retrieved license information, or confirming the configuration of the retrieved license information on the client computing system. As a result, Applicant believes claim 1 to be patentable over Coley and

Nababi, and Applicant therefore respectfully requests that the Examiner withdraw the rejection as to this claim. As claims 3, 4, 6, 7, and 9-13 depend (either directly or indirectly) from claim 1 (and therefore include all of the elements of claim 1), Applicant respectfully requests that the Examiner withdraw the rejection as to these claims as well.

Also missing from the descriptions of Coley and Nababi is any discussion of HTTP tunneling or an HTTP tunneling agent. For example, as described in the specification of the present application, an exemplary system according to the present invention provides for CGI tunneling agents on the application download server. (Specification, pg. 12, lines 21-27.) The setup program communicates with the download server using post messages to HTTP ports available through firewall security software. (*Id.*, pg. 12, lines 10-23.) The tunneling agents are used to connect to an automated license daemon, allowing messages to be passed between the setup program and the license daemon. (*Id.*, pg. 3, lines 10-20; pg. 12, lines 21-29; Figure 7.) Coley merely describes the use of TCP as a transport protocol, and the use of proxy agents to avoid network firewalls. (Coley, col. 21, lines 45-65; col. 22, line 42 to col. 23, line 7.)

Claim 17 of the present application recites:

a setup program which resides on the client computing system, the setup program configured to send post requests containing user information using hypertext transfer protocol (HTTP) over a network to an HTTP port;

a tunneling agent which resides on a remote server system accessible via the network and having the HTTP port and a firewall, the tunneling agent configured to receive the post requests from the HTTP port;

an automated license daemon program which resides on the remote server system, the automated license daemon configured to receive the user information from the tunneling agent; and

a first database which resides on the remote server system and on which is stored license information and a license file, the first database configured to receive a request from the automated license daemon program and return a reply, the reply including one of the license information, the license file and an error message;

wherein the automated license daemon is further configured to send a reply HTTP message based on the reply to the setup program over the network using the HTTP port.

As discussed above, neither Coley nor Nababi (either alone or in combination) teach or suggest a system that includes a setup program which resides on a client computing system, the

setup program configured to send post requests containing user information using hypertext transfer protocol (HTTP) over a network to an HTTP port, and a tunneling agent which resides on a remote server system and configured to receive post requests from an HTTP port. As a result, Applicant believes claim 17 to be patentable over Coley and Nabahi, and Applicant therefore respectfully requests that the Examiner withdraw the rejection as to this claim. As claims 22, 24 and 25 depend (either directly or indirectly) from claim 17 (and therefore include all of the elements of claim 17), Applicant respectfully requests that the Examiner withdraw the rejection as to these claims as well.

In light of the foregoing, claims 1-4, 6-7, 9-13, 17, 22, 24-25 and 39-41 are believed to be in condition for allowance. All issues raised by the Examiner having been addressed, a early and favorable action on the merits is earnestly solicited. Should the Examiner desire further discussion of Applicant's remarks, Applicant (via the undersigned) is available for telephonic interview at the Examiner's convenience.

Respectfully submitted,

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